IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 2404 of 2005

Between:

Smt.Yacham Sowjanya, W/o.Y.Ravinder,
R/o.H.No.1-9-11/15/2/1, Kishan Nagar Colony,
Medak, Medak District.

..... PETITIONER

AND

1. The District Collector, Medak District,

at Sanga Reddy, Medak.
2. The Joint Collector, Sanga Reddy, Medak District.
3. The Revenue Divisional officer, Medak, Medak District.
4. The Mandal Revenue officer, Medak, Medak District.
5. The A.P. TRANSCO, Medak Town, rep.by its

Assistant Engineer, Medak.
6 The Municipal Council, rep.by its Commissioner, Medak

Municipality, Medak.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order, or direction, more particularly one in the nature of writ of Mandamus writ of Mandamus; i) declaring the action of the 2nd respondent in vacating stay orders vide proceedings No.F3/346/2005, dt.02-02-2005 as illegal, arbitrary and violative of principles of Natural Justice. ii) declare the proc.No.D/2194/2004 dt.29-11-2004 passed by the 3rd respondent including the proceedings No.F1/7975/2004 dt.11-10-2004 passed by the 4th respondent as

wholly arbitrary, unlawful, without any justification and violative of principles of Natural Justice.

Counsel for the Petitioner: MR.V.VISWANATHAM

Counsel for the Respondents 1 to 4: GP for Revenue

Counsel for the Respondent no.5: Mr M.Sreeramulu Reddy

Counsel for the Respondent No.6: MR.P.RADHAKRISHNA

The Court made the following:

ORDER:

The petitioner claims to be the owner and possessor of land in Plot No.19, admeasuring 276 sq. yards situated in
Survey No.701 of Kishan Nagar Colony, Medak Town, Medak District, having purchased the same under registered Sale Deed,
dated 12.01.1982, vide document no.110/1982.

It is not in dispute that the 4th respondent-Mandal Revenue Officer having initiated the proceedings under the provisions of the A.P. Land Encroachment Act, by order, dated 11.10.2004, ordered eviction of the petitioner from the said land. The petitioner preferred an appeal before the Revenue Divisional Officer, Medak, but the same was dismissed by an order, dated 29.11.2004. Thereafter, the petitioner filed a Revision Petition before the second respondent-Joint Collector. The second respondent having granted the stay of the impugned proceedings, by order, dated 02.02.2005, vacated the same. The said order is under challenge in this Writ Petition.

Heard the learned counsel for the petitioner, as well as the learned Government pleader for Revenue appearing for the respondents.

The learned counsel appearing for the petitioner contends that the impugned order was passed without any notice to the petitioner and particularly, since the second respondent failed to assign any reasons, the said order cannot be sustained.

At any rate, having regard to the facts and circumstances of the case, I am of the view that it is necessary to protect the possession of the petitioner till the disposal of the revision petition pending before the 2nd respondent. That apart, the second respondent having granted interim stay, ought not to have vacated the same without assigning any reasons.

In the circumstances, the impugned order is set aside and the Writ Petition is disposed of with a direction to the second respondent to dispose of the revision petition pending on his file as expeditiously as possible preferably within the period of four weeks from the date of receipt of this order, following due process of law. Till such orders are passed there shall be interim stay of all further proceedings in furtherance of the order passed by the 4th respondent, dated 11.10.2004, as confirmed by the 3rd respondent by order dated 29.11.2000.

Accordingly, the Writ Petition is disposed of. No costs.

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14-02-2005

Note: CC in three days

B/o

Kvrm

To

1. The District Collector, Medak District, at Sanga Reddy, Medak.
2. The Joint Collector, Sanga Reddy, Medak District.
3. The Revenue Divisional officer, Medak, Medak District.
4. The Mandal Revenue officer, Medak, Medak District.
5. The AssistantEngineer, The A.P. TRANSCO, Medak Town,

Medak.
6 The Commissioner, The Municipal Council, Medak

Municipality, Medak.

7. 2 CCs to G.P for Revenue, High Court Buildings, Hyderabad

(OUT)

8.2 CDs